



DEPARTMENT OF THE AIR FORCE
WASHINGTON, DC

Office of the Assistant Secretary

AFBCMR 98-00669

JAN 15 1999

MEMORANDUM FOR THE CHIEF OF STAFF

Under the authority of Section 1552, Title 10, United States Code, Air Force Instruction 36-2603, and having assured compliance with the provisions of the above regulation, the decision of the Air Force Board for Correction of Military Records is announced, and it is directed that:

The pertinent military records of the Department of the Air Force relating to [REDACTED], be corrected to show that on 28 August 1997, he declined Survivor Benefit Plan coverage and his wife concurred in his election.

A handwritten signature in cursive script that reads "Raymond H. Weller".

RAYMOND H. WELLER
Chief Examiner
Air Force Board for Correction
of Military Records



DEPARTMENT OF THE AIR FORCE
WASHINGTON, DC

Office of the Assistant Secretary

AFBCMR 98-00669

JAN 15 1999

MEMORANDUM OF CONSIDERATION OF APPLICATION BEFORE THE AFBCMR

: [REDACTED] SSAN: [REDACTED]

Having carefully reviewed this application, we agree with the recommendation of the Air Force and adopt the rationale expressed as the basis for our decision that the applicant has been the victim of either an error or an injustice. Therefore, under the authority delegated in AFI 36-2603, the applicant's records will be corrected as set forth in the accompanying Memorandum for the Chief of Staff signed by the Executive Director of the Board or his designee.

A handwritten signature in black ink, appearing to read "Vance S. [unclear]".

Panel Chair

Attachment:
Ltr, AFPC/DPPT, dtd 10 Nov 98



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR FORCE PERSONNEL CENTER
RANDOLPH AIR FORCE BASE TEXAS

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MEMORANDUM FOR AFBCMR

FROM: HQ AFPC/DPPTR
550 C Street West Ste 11
Randolph AFB TX 78150-4713

SUBJECT: [REDACTED]

Background: The applicant previously requested his Survivor Benefit Plan (SBP) election be changed to show he declined coverage. In our 29 Jun 98 advisory, we recommended his request be denied as there was no evidence of Air Force error nor any basis in law to grant relief. Subsequently, the applicant rebutted the advisory claiming the error occurred as a result of the "grossly incorrect briefing" he received.

Facts:

a. The member refers to "a signed estimate sheet" as proof of the incorrect briefing. In fact, the item was the spouse notification letter sent by the SBP counselor to inform his wife of the options and effects of the SBP and to advise her that her concurrence was required in any election other than full spouse coverage. Although that letter contained examples of child SBP costs, those costs were only samples for the purpose of general information.

b. The percentage factors for child premiums are developed by the Department of Defense (DoD) Actuary. These factors are based upon the ratio of actual ages of the retiring member and the member's youngest child. Standard procedure for all retirements is to provide a cost estimate worksheet to each member. When computing the actual SBP premiums, the finance center uses the member's SBP base amount and the applicable child factor, incorporating the appropriate premium computation to establish the actual SBP monthly cost.

Discussion: In every case, as it is in this case, each member has the responsibility to make the SBP election that best suits their family. Since the SBP is a voluntary benefit, it is our belief that every member making an SBP election is exercising his or her free will and is assuming the responsibility of that decision. To ensure they understand their responsibilities pertaining to the SBP, we require each retiring member to sign an SBP Report-Individual Person (RIP). By signing the RIP, the applicant certified he was briefed on the options and effects of the SBP and understood that his SBP election was basically irrevocable. Nevertheless, there is no evidence the counselor explained that the factor which would be used to compute his

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child only premiums would be greater than the factor used in the samples reflected in the spouse notification letter (the applicant was seven years younger and his children, ~~two~~ years younger than the example).

Recommendation: To preclude an injustice based on the possibility of an administrative deficiency, we recommend that the member's record be corrected to reflect that on 28 Aug 97 he elected to decline **SBP** coverage and his wife concurred in his election.



PAT PEEK, DAFC
Chief, Retiree Services Branch
Directorate of Pers Program Mgmt

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DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR FORCE PERSONNEL CENTER
RANDOLPH AIR FORCE BASE TEXAS

29 JUN 1998

MEMORANDUM FOR AFBCMR

FROM: HQ AFPC/DPPTR
550 C Street West Ste 11
Randolph AFB TX 78150-4713

SUBJECT: Application for Correction of Military Records

Reference: [REDACTED]

Requested Correction: The applicant is requesting corrective action to terminate his child only coverage under the Survivor Benefit Plan (SBP).

Basis for Request: The applicant claims he received an incorrect SBP briefing and the child SBP premiums are four times more than he was briefed.

Background:

a. The statute controlling the SBP holds that an election may not be revoked after the member becomes entitled to retired pay. That election was irrevocable as long as the beneficiary remained eligible. However, Public Law (PL) 105-85 (18 Nov 97) authorizes retirees to terminate SBP participation during a one-year window beginning on the second anniversary of the member's retirement.

b. Unmarried children normally remain eligible beneficiaries until they reach age 18, or age 22 if attending school on a full-time basis

Facts: The member received an SBP briefing, signed the Report on Individual Person (RIP) in which he acknowledged he was briefed on the options and effects of the SBP, declined coverage at Spangdahlem Air Base, Germany on 18 Jul 97, prior to being placed on the Temporary Disability Retired List (TDRL) effective 29 Aug 97, and his spouse concurred in the election. After returning to McGuire AFB, NJ, he changed his election to child only coverage based on full retired pay two weeks before the effective date of being placed on the TDRL. His monthly premiums for child coverage are currently \$23.46.

Discussion: The applicant's claim that he received an incorrect briefing cannot be substantiated. The letter he enclosed with this application was sent to his wife and gave only examples of child SBP premiums. He had ample time and opportunity to verify the correct amount of child costs at Spangdahlem AB and later at McGuire AFB. To provide relief at this time would provide the applicant an opportunity not afforded other retirees in a similar situation. However, the applicant will be able to terminate his SBP participation on the 2nd anniversary of his retirement (29 Aug 99).

Recommendation: There is no evidence of Air Force error nor any basis in law to grant relief; therefore, we recommend the request be denied. However, if the Board's decision is to

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grant relief, the applicant's election for child only coverage should be voided and his record corrected to reflect he declined coverage effective 28 Aug 97. Approval should be contingent upon his obtaining a statement from his wife concurring in his election to terminate their children's **SBP** coverage.



PAT **PEEK**, DAFC
Chief, Retiree Services Branch
Directorate of Pers Prog Management

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